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Co-Lead Class Counsel

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**CLASS COUNSEL'S JOINT
SUPPLEMENTAL SUBMISSION
REGARDING FEES AND COSTS**

1 1. On July 9, 2015, the Court ordered Lief Cabraser Heimann & Bernstein
2 ("LCHB") and the Joseph R. Saveri Law Firm, Inc. ("JSLF") (collectively, "Co-Lead Counsel")
3 to meet and confer, and come to agreement if possible, regarding the total lodestar that Co-Lead
4 Counsel believe the Court should use for purposes of the lodestar cross-check in connection with
5 the pending applications for attorneys' fees in this matter. *See* Tr. at 66-67 (July 9, 2015). After
6 an opportunity to meet and confer and review the lodestar in this matter, Co-Lead Counsel have
7 reached agreement. To be conservative, in the interests of resolution of this matter for the benefit
8 of the class, Co-Lead Counsel agree that, for purposes of the lodestar cross-check in connection
9 with the pending motion, the lodestar on which Co-Lead Counsel can both agree that the Court
10 may rely is \$18,259,097.75. This lodestar includes reported time from the following four firms:
11 JSLF, LCHB, Berger & Montague and Grant & Eisenhofer. The following facts are provided to
12 explain the reasoning and put this resolution in context.

13 2. The timekeeping practices of the JSLF in connection with this litigation are set out
14 in the Declaration of Joseph R. Saveri In Support Of Plaintiffs' Motion For Attorneys' Fees,
15 Reimbursement Of Expenses, and Incentive Awards (Dkt. 1073) ("Saveri Declaration"), as
16 modified by the Supplemental Declaration of Joseph R. Saveri In Support Of Plaintiffs' Motion
17 For Attorneys' Fees, Reimbursement Of Expenses, And Incentive Awards (Dkt. 1085)
18 ("Supplemental Saveri Declaration").

19 3. Co-Lead Counsel agree that JSLF attorneys, including JSLF's founder, Joseph
20 Saveri, in collaboration with attorneys from LCHB, participated in all phases of the litigation and,
21 in connection therewith, did substantial work on behalf of the class. JSLF took 36 depositions of
22 Defendant witnesses, including of such key figures as certain of Defendants' respective chief
23 executive officers and expert witnesses. JSLF attorneys performed work drafting discovery,
24 meeting and conferring with Defendants regarding that discovery, and negotiating and preparing
25 joint filings regarding the progress of discovery. JSLF lawyers reviewed and analyzed
26 voluminous amounts of documents Defendants produced in the case, and helped in selecting
27 documents for use at depositions and in law and motion practice. JSLF personnel also performed
28 work identifying and vetting candidates to serve as expert witnesses, developing expert testimony

1 and engaging in expert discovery, working with professional economists to analyze economic
2 information and employment and compensation data from Defendants, and providing assistance
3 with drafting of expert reports, as well as materials relevant to their opinions and for use as
4 exhibits.

5 4. JSLF attorneys also contributed to motion practice and made significant
6 contributions to the major filings on behalf of Plaintiffs and the Class in the case. *See* Saveri
7 Declaration, ¶¶ 20-28. JSLF also did significant work to prepare the case for trial.

8 5. JSLF, including Mr. Saveri in particular, participated in settlement discussions,
9 mediation and preparation of settlement documentation. Ultimately, the work of LCHB and JSLF
10 collectively, together with the other class counsel, culminated in the \$415 million settlement with
11 Defendants.

12 6. The daily billing records of JSLF are found at Saveri Declaration, Exhibit 4, as
13 modified in the Supplemental Saveri Declaration, Exhibit 1. *See* Saveri Declaration, ¶¶ 14-17;
14 Supplemental Saveri Declaration, ¶¶ 3-9. The work described was performed for benefit of the
15 class. *Id.*

16 7. LCHB has raised concerns regarding the billing records of JSLF, and Mr. Saveri in
17 particular, and whether such records comply with the Court's orders and guidance regarding
18 billing practices.

19 8. The Court currently has under submission applications of Class Counsel for the
20 award of \$81,125,000 in attorneys' fees (approximately 19.5% of the overall settlement of \$415
21 million), as described in the class action notice. *See* Jue Declaration, Ex. A (Dkt. 1086-1). In
22 connection with that application, the Court has indicated it intends to perform a lodestar cross-
23 check.

24 9. Mr. Saveri believes that the lodestar his firm reported in his revised declaration of
25 May 21, 2015 (Dkt. 1085) is accurate and reliable. LCHB acknowledges the valuable and
26 significant contributions made by JSLF and Mr. Saveri.

27 10. Nevertheless, so as to be conservative and to eliminate any potential concerns or
28 issues regarding the appropriate lodestar to use for the cross-check, Co-Lead Counsel agree that

1 the lodestar that the Court should use in performing its cross-check should be: (a) the full
2 lodestars of LCHB (\$11,476,957.50), Berger & Montague (\$1,373,095.50), and Grant &
3 Eisenhofer (\$1,429,225.50); and (b) the lodestar of JSLF as reported in the supplemental
4 declaration of May 21, 2015, with the following adjustments: (i) disregard all time reported and
5 billed by Mr. Saveri (\$2,059,344), and (ii) reduce of the remainder of JSLF reported time by a
6 total of \$278,656. In sum, for purposes of the lodestar cross-check, and to be conservative, the
7 JSLF lodestar should be reduced by \$2,338,000.00 (from \$6,314,819.25 to \$3,979,819.25). As a
8 result of this adjustment, the total Class Counsel lodestar to be used for the cross-check should be
9 \$18,259,097.75. This agreed-upon lodestar results in a multiplier cross-check of 4.44 for a fee
10 award of \$81,125,000.

11 11. Co-Lead Class Counsel submit that the resulting multiplier of 4.44 is based upon a
12 conservative and reliable estimate of Class Counsel's cumulative loadstar and confirm that the
13 attorneys' fees sought are reasonable based upon the circumstances of this case. (*See* Dkt Nos.
14 1072, 1075, and 1093.)

15 12. Co-Lead Class Counsel also agree that the unreimbursed costs reported in Mr.
16 Saveri's May 21, 2015 declaration (Dkt. 1085-6) should be included in the Class Counsel cost
17 submission: \$622,381.48 for LCHB; \$589,194.94 for JSLF; \$18,600.01 for Berger & Montague;
18 and \$1,100.23 for Grant & Eisenhofer. These unreimbursed costs total \$1,231,276.66. Co-Lead
19 Class Counsel reaffirm that they seek only the \$1,200,000 in costs reflected in the Notice
20 provided to the Class, and do not seek reimbursement for the remaining \$31,276.66.
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Respectfully submitted,

Dated: July 20, 2015

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

By: /s/ Kelly M. Dermody
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